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# Emergency Rules

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## **Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION**

### **Division 2085—Board of Cosmetology and Barber Examiners**

#### **Chapter 12—Schools and Student Rules—Barber and Cosmetology**

#### **EMERGENCY AMENDMENT**

**20 CSR 2085-12.060 Requirements for Cosmetology Students.** The board is proposing to add new subsections (1)(B) and (1)(C) and renumber accordingly.

*PURPOSE:* This rule is being amended to comply with section 600.9 of the Code of Federal Regulations.

*EMERGENCY STATEMENT:* On July 1, 2015, section 34 CFR 600.9 will become effective, which will require any Missouri cosmetology and barber school wishing to receive federal funding to be approved by the Missouri Board of Cosmetology and Barber Examiners (board) as a post-secondary institution. The proposed changes to the regulations create a process for a school (should a school wish to apply) to be approved as a post-secondary institution. Should a school fail to demonstrate compliance by the required federal deadline, Missouri cosmetology and barber schools will no longer be eligible to accept federal funding for student tuition payments. Immediate adoption of this rule will enable the board to initiate the process for an application and grant the board the necessary review time to ensure all necessary documentation required for proof of compliance is received by Missouri barbering and cosmetology schools and universities prior to the July 1, 2015, deadline.

The board, recognizing the potential changes that were being proposed in 34 CFR 600.9, began discussing the federal regulations in open session meetings with interested schools, universities, and cosmetology associations. These meetings discussed options for compliance and proposed amendments and were held in July, September, and November 2013; continued in April and October 2014; and concluded in January 2015. As there were no previous requirements for this proof of compliance for cosmetology and barber schools, the board also initiated conference calls and email communications with the United States Department of Education (USDOE) for fact finding. As a result of such communications, the board voted to approve proposed amendment drafts in open session during the September 29–30, 2013, board meeting. By working alongside the USDOE, the board, on December 23, 2013, was allowed to submit the proposed amendment drafts for review and approval by the USDOE to ensure the amendments met all compliance requirements. The board received final approval from the USDOE on the proposed amendment drafts on March 24, 2015. Based on the potential implications and effects of noncompliance with 34 CFR 600.9, on Missouri cosmetology and barber schools and their students, the board is submitting the proposed amendments through the emergency rulemaking process.

This emergency amendment is necessary to allow the board to implement the amendments which meet the requirements of 34 CFR 600.9. While the criteria outlined is subject to the discretion of schools or universities to determine if they wish to apply under the new requirements, schools or universities that do want to apply will need time to comply before the deadline of July 1, 2015.

For these reasons, this emergency amendment is necessary for the compelling governmental interest of enabling Missouri barbering and cosmetology schools and universities and the board to issue required documents for compliance to obtain federal funding and financial aid for qualified Missouri barbering and cosmetology schools and universities through the outlined approval process. Based on the foregoing, the Department of Insurance, Financial Institutions and

Professional Registration, Division of Professional Registration, hereby finds an immediate danger to the public health, safety, and welfare and a compelling governmental interest which requires emergency action. The scope of this emergency amendment is limited to the conditions creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The board believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed May 28, 2015, becomes effective June 7, 2015, and expires February 25, 2016.

(1) Registration.

(B) Any person desiring to enroll in a postsecondary school of cosmetology shall meet all of the requirements set forth in subsection (1)(A) of this rule concerning completion of an enrollment form, except that, in lieu of the information set forth in paragraph (1)(A)4. of this rule, the enrollment form completed by the person shall indicate that the person: has earned a high school diploma; has earned a general education development (GED) certification; has completed a home schooling program meeting the requirements of the state in which it occurred and has provided to the board office a written notarized statement from his/her principal instructor demonstrating completion of at least twelve (12) high school credits; or has provided to the cosmetology school proof of a prior enrollment, commencing at any date prior to July 1, 2012, at a Title IV eligible postsecondary institution in a Title IV eligible academic program.

(C) Any person desiring to enroll in a secondary school of cosmetology shall meet all of the requirements set forth in subsection (1)(A) of this rule.

[(B)](D) No person shall be given credit for any training received by a school until a properly completed student enrollment form has been received and approved by the board and a student license is returned to the school or cosmetology establishment. The student license shall expire on the expiration date. A new application shall be submitted should the student or apprentice wish to continue training beyond the expiration date.

[(C)](E) Change of Status. For any student desiring to change the course in which he/she is currently enrolled or who wishes to obtain additional hours beyond the hours required by the board (even if license is still within the five (5)-year limit), he/she will be required to apply to the board for a change of status. Any other alteration (such as change of school and/or location) will require a termination. A student license will be good for a maximum of five (5) years from the date of issuance of the license at that location, unless terminated from the school. An application for change of status shall be made to the board on a form supplied by the board. The form shall be accompanied by the student license and the enrollment application fee and shall be postmarked no later than three (3) days from the effective date of the change of status. The change of status application shall include an interim certificate which shall be valid for twenty (20) days from the date of application and shall be retained by the school to serve as the training license for the student until the amended license is received from the board.

*AUTHORITY:* sections 329.025.1, 329.040, and 329.050, RSMo Supp. [2008] 2013. Original rule filed Aug. 1, 2007, effective Feb. 29, 2008. Amended: Filed April 3, 2009, effective Sept. 30, 2009. Emergency amendment filed May 28, 2015, effective June 7, 2015, expires Feb. 25, 2016. An emergency amendment and a proposed amendment covering this same material will be published in the July 1, 2015, issue of the Missouri Register.